

02/21/02

jc961 U.S. PTO

02-25-02

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

Beiers 586.2-HCL

First Inventor

Heinrich GERS-BARLAG

Title

[See Appendix]

Express Mail Label No.

EV 015944015 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)

2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.

3. ☒ Specification [Total Pages **27**]  
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ☐]

5. Oath or Declaration [Total Pages **2**]

- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)

- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)

- a. ☐ Computer Readable Form (CRF)

- b. Specification Sequence Listing on:

- i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper

- c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☒ Other: Appendix

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: **09/389,684**

Prior application information: Examiner **Michael G. Hartley**Group / Art Unit **1619**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Labelor ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Howard C. Lee <i>Howard C. Lee</i>				
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Name (Print/Type)

Howard C. Lee

Registration No. (Attorney/Agent)

48,104

Signature

*Howard C. Lee*

Date

February 21, 2002

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# FEE TRANSMITTAL for FY 2002

*Patent fees are subject to annual revision.*

## Complete if Known

Application Number	To be assigned
Filing Date	To be assigned
First Named Inventor	Heinrich GERS-BARLAG
Examiner Name	To be assigned
Group Art Unit	To be assigned
Attorney Docket No.	Beiers 586.2-HCL

**TOTAL AMOUNT OF PAYMENT** **\$1,480.00**

### METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 14-1263

Deposit Account Name

- ☒ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR § 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	<span style="border: 1px solid black; padding: 2px;">740.00</span>
106	330	206	165	Design filing fee	<span style="border: 1px solid black; padding: 2px;"></span>
107	510	207	255	Plant filing fee	<span style="border: 1px solid black; padding: 2px;"></span>
108	740	208	370	Reissue filing fee	<span style="border: 1px solid black; padding: 2px;"></span>
114	160	214	80	Provisional filing fee	<span style="border: 1px solid black; padding: 2px;"></span>
<b>SUBTOTAL (1)</b>					<span style="border: 1px solid black; padding: 2px;">\$740.00</span>

#### 2. EXTRA CLAIM FEES

Extra Claims		Fee from below	Fee Paid
Total Claims			
12	-20** = 0	18.00	0.00
Independent Claims	2 - 3** = 0	84.00	0.00
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** \$0.00

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	<span style="border: 1px solid black; padding: 2px;"></span>
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	<span style="border: 1px solid black; padding: 2px;"></span>
139	130	139	130	Non - English specification	<span style="border: 1px solid black; padding: 2px;"></span>
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	<span style="border: 1px solid black; padding: 2px;"></span>
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	<span style="border: 1px solid black; padding: 2px;"></span>
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	<span style="border: 1px solid black; padding: 2px;"></span>
115	110	215	55	Extension for reply within first month	<span style="border: 1px solid black; padding: 2px;"></span>
116	400	216	200	Extension for reply within second month	<span style="border: 1px solid black; padding: 2px;"></span>
117	920	217	460	Extension for reply within third month	<span style="border: 1px solid black; padding: 2px;"></span>
118	1,440	218	720	Extension for reply within fourth month	<span style="border: 1px solid black; padding: 2px;"></span>
128	1,960	228	980	Extension for reply within fifth month	<span style="border: 1px solid black; padding: 2px;"></span>
119	320	219	160	Notice of Appeal	<span style="border: 1px solid black; padding: 2px;"></span>
120	320	220	160	Filing a brief in support of an appeal	<span style="border: 1px solid black; padding: 2px;"></span>
121	280	221	140	Request for oral hearing	<span style="border: 1px solid black; padding: 2px;"></span>
138	1,510	138	1,510	Petition to institute a public use proceeding	<span style="border: 1px solid black; padding: 2px;"></span>
140	110	240	55	Petition to revive - unavoidable	<span style="border: 1px solid black; padding: 2px;"></span>
141	1,280	241	640	Petition to revive - unintentional	<span style="border: 1px solid black; padding: 2px;"></span>
142	1,280	242	640	Utility issue fee (or reissue)	<span style="border: 1px solid black; padding: 2px;"></span>
143	460	243	230	Design issue fee	<span style="border: 1px solid black; padding: 2px;"></span>
144	620	244	310	Plant issue fee	<span style="border: 1px solid black; padding: 2px;"></span>
122	130	122	130	Petitions to the Commissioner	<span style="border: 1px solid black; padding: 2px;"></span>
123	50	123	50	Processing fee under 37 CFR § 1.17(q)	<span style="border: 1px solid black; padding: 2px;"></span>
126	180	126	180	Submission of Information Disclosure Statement	<span style="border: 1px solid black; padding: 2px;"></span>
581	40	581	40	Recording each patent assignment per property (times number of properties)	<span style="border: 1px solid black; padding: 2px;"></span>
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	<span style="border: 1px solid black; padding: 2px;"></span>
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	<span style="border: 1px solid black; padding: 2px;"></span>
179	740	279	370	Request for Continued Examination (RCE)	<span style="border: 1px solid black; padding: 2px;"></span>
169	900	169	900	Request for expedited examination of a design application	<span style="border: 1px solid black; padding: 2px;"></span>

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** \$740.00

### SUBMITTED BY

Name (Print/Type)	Howard C. Lee	Registration No. (Attorney/Agent)	48,104	Telephone	(212) 808-0700
Signature	<i>Howard C. Lee</i>	Date	February 21, 2002		

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APPLICANT: Heinrich GERS-BARLAG

TITLE: EMULSIFIER-FREE FINELY DISPERSE SYSTEMS  
OF THE OIL-IN-WATER AND WATER-IN-OIL TYPE

EXPRESS MAIL CERTIFICATE

Express Mail mailing label number EV 015944015 US

Date of Deposit February 21, 2002

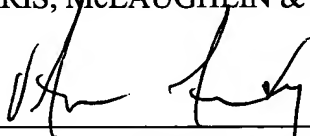
I hereby certify that the following items:

1. Utility Patent Application Transmittal (in duplicate)
2. Fee Transmittal (in duplicate)
3. Preliminary Amendment (five (5) pages)
4. Copy of executed Combined Declaration/Power of Attorney
5. Specification (twenty-seven (27) pages), including:
  - Description (pp. 1-24);
  - Claims (pp. 25-26); and
  - Abstract
6. Information Disclosure Statement
7. Appendix citing Title, List of Inventors, Claim to Priority, Assignment information and certificate of mailing

are being deposited with the United States Postal Services Express Mail Post Office to Addressee service under 37 CFR 1.10 on the date indicated above and is addressed to the: Hon. Commissioner for Patents, Washington, D.C. 20231, Box Patent Application.

NORRIS, McLAUGHLIN & MARCUS, P.A.

By



Vilma I. Fernandez

2002 FEB 21 10 08 AM '02

APPENDIX

**TITLE: EMULSIFIER-FREE FINELY DISPERSE SYSTEMS OF THE  
OIL-IN-WATER AND WATER-IN-OIL TYPE**

**LIST OF INVENTORS:**

1. Heinrich GERS-BARLAG
2. Anja MÜLLER

**CLAIM TO PRIORITY:**

Priority is hereby claimed under 35 USC 119 on the basis of German Application Serial No. 198 42 767.0, filed on 18 September 1998. The priority document was filed in the parent Application Serial No. 09/389,684, filed on 2 September 1999. The filing of the priority document was acknowledged in a communication from the Patent and Trademark Office dated 24 January 2002.

**ASSIGNMENT:**

The prior application is assigned to Beiersdorf AG, at Reel 010430/Frame 0484, recorded on 3 December 1999.

**"Express Mail" Mailing Label No. EV 015943981 US**

**Date of Deposit: 21 February 2002**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231.

**NORRIS, McLAUGHLIN & MARCUS, P.A.**

By: Howard C. Lee

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